

U.S. Department of Justice



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United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

November 15, 2019

**VIA ECF**

The Honorable Laura Taylor Swain  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**MEMO ENDORSED**

Re: *Paola Deli Grocery Corp. v. United States of America et al.*  
19 Civ. 10569 (LTS)

Dear Judge Swain:

This Office represents Defendants the United States of America and the United States Department of Agriculture (the "Government") in the above-referenced action, in which Plaintiff seeks review of a Final Agency Decision disqualifying Plaintiff from participating in the Supplemental Nutrition Assistance Program ("SNAP") for a period of six months. (Dkt. No. 1). Plaintiff's counsel has informed me that the Court has ordered that the Government show cause as to why the Court should not enjoin the Defendants from disqualifying Plaintiff as a SNAP participant during the pendency of this action.

In advance of the hearing scheduled for today, November 15, 2019, at 2:15 PM, I write to notify the Court that, under the specific circumstances of this case, the Government does not currently oppose Plaintiff's request to stay the suspension and disqualification pending resolution of this action. The Government is in the process of collecting the information necessary to respond to Plaintiff's allegations and reserves its right to move to vacate such stay upon further case development or change in circumstances.

The Government submits that, in light of its consent to a stay, there is no need to hold today's hearing, and Plaintiff consents to cancelling the hearing. The parties are prepared to appear for a hearing, however, should Your Honor wish to hold one.

We thank the Court for its consideration of this submission.

Respectfully,

GEOFFREY S. BERMAN  
United States Attorney


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The conference that had been scheduled for today, November 15, 2019, at 2:30 p.m., is cancelled in light of the Government's consent to a stay of the suspension and disqualification pending resolution of this action. To be clear, the Court did not issue an order to show cause. Rather, the Court had orally instructed Plaintiff's counsel to inform the Government that the application for an order to show cause would be heard this afternoon at 2:30 p.m.

Plaintiff is directed to file its order to show cause application papers promptly on ECF and link them to this endorsed order. The proposed order to show cause will be marked denied as moot.

This case will be referred to a magistrate judge for general pretrial management. Counsel will be informed of any further conference settings.

SO ORDERED:

 11/15/19  
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HON. LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE